SINGLE BENCH

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IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P. (S) NO. 4444 / 2006

PETITIONER : S. C. Jain
S/o Late Shri C. L. Jain,
Aged about 49 years, R/o C/o Doctor Sudhakarrao Bebe, Chhantapara, Bilaspur (C.G.)

P.R. No. 4449/06
Presented by Shri V.K. Deshmukh
dated 19/8/06

Versus

RESPONDENTS :

1. State of Chhattisgarh,
Through :-
The Secretary, Panchayat and Village Development, D.K.S. Bhavan Raipur (C.G.)

2. The Collector Bilaspur,
District Bilaspur (C.G.)

3. The Chief Executive officer,
District-Panchayat, Bilaspur,
District Bilaspur (C.G.)

4. The Chief Executive Officer
Janpad Panchayat Takhatpur,
District Bilaspur (C.G.)

5. Shri Shyyad Abrar Hussain,
Rural Agriculture Extension Officer and Payment Officer,
Takhatpur, Tahsil Takhatpur,
District Bilaspur (C.G.)

COMMISSIONER APARNA MALVIYA CG 0073/95 Bilaspur Chhattisgarh

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6. The Sub Divisional Officer (REVENUE) Kota, Tahsil Takhatpur, District Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (s) No. 4444 of 2006

Petitioner : S.C. Jain

Versus

Respondents : State of Chhattisgarh & others

Mr. Vijay K. Deshmukh, counsel for the petitioner.

Miss Sunita Jain, Panel lawyer for the respondents No. 1, 2 and 6.

Mr. Ravindra Agrawal, counsel for the respondent No. 4.

Mr. Suresh Verma, counsel for the respondent No.5.

ORDER

(Passed on 15th Day of January, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner, who was posted as Sub-Engineer in the office of Water Resources Department, Division Pendra Road, District Bilaspur, was suspended by the order dated 10.4.2006 (P/5). Thereafter, the departmental inquiry was initiated by issuing show-cause notice. The petitioner has filed the reply to the charge-sheet on 1.6.2006 (P/8).

2. The petitioner, by this petition, has challenged the validity of the suspension order dated 10.4.2006 (P/5).

3. Be that as it may, since the departmental inquiry has already been initiated and the petitioner has filed the reply to the charge-sheet, at this stage suspension cannot be quashed.

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4. It is well settled principle of law that the suspension is temporary and it does not involve punishment with civil consequences. Suspension means a temporary deprivation of the functions not amounting to any reduction of his rank or his status. This Court should refrain itself from interfering with the enquiry at this stage when enquiry has already been initiated and the petitioner has been suspended on alleged serious allegations.

5. The writ petition is accordingly disposed of. However, if the petitioner is not getting subsistence allowance, he is entitled for the same, in accordance with law.

Sd/-
Satish K. Agnihotri
Judge

Bablu